

**New Jersey State Board of Education
Minutes of the Regular Monthly Meeting
in the Conference Room on the First Floor,
100 River View Executive Plaza
Trenton, NJ**

July 7, 2004

Presiding: Arnold G. Hyndman, Ph.D., President

Secretary: William L. Librera, Ed.D., Commissioner

PRESENT CONSTITUTING A QUORUM:

ABSENT

Ms. Margaret F. Bartlett
Dr. Ronald K. Butcher
Ms. Debra Casha
Ms. Maud Dahme
Ms. Kathleen A. Dietz
Mrs. Anne S. Dillman
Ms. Josephine E. Figueras
Mr. John A. Griffith
Mr. Samuel J. Podietz
Dr. Thelma Napoleon-Smith
Mr. Edward M. Taylor
Mrs. Roberta Van Anda

CONVENING

Arnold G. Hyndman, president, State Board of Education, convened the public meeting with the reading of the resolution pertaining to the public session of the State Board meeting as it complies with the Open Public Meetings Act.

WHEREAS, the New Jersey Open Public Meetings Act was enacted to insure the right of the public to have advance notice of and to attend the meeting of public bodies at which any business affecting their interest is discussed or acted upon, and

WHEREAS, in accordance with the provisions of this act, the State Board of Education has caused notice of this meeting to be published by having the date, time and place thereof posted in the Department of Education, Secretary of State's Office and notice also having been given to the State House Press Corps, the Governor's Office and the state board agenda subscribers, now therefore be it

RESOLVED, that by adopting this resolution the State Board of Education states its intention to convene a public meeting to conduct the state's business on July 7, 2004.

ADJOURN TO EXECUTIVE SESSION

President Hyndman then read the resolution pertaining to the executive session of the State Board meeting as it complies with the Open Public Meetings Act.

WHEREAS, in order to protect the personal privacy and to avoid situations wherein the public interest might be disserved, the Open Public Meetings Act permits public bodies to exclude the public from that portion of a meeting at which certain matters are discussed, now therefore be it

RESOLVED, that consistent with the provision of N.J.S.A. 10:4-12(b), the State Board of Education will now adjourn to executive session to discuss personnel matters.

The State Board immediately adjourned to executive session.

RECONVENING

President Hyndman reconvened the public meeting with the reading of the resolution pertaining to the resumption of the public session of the State Board meeting as it complies with the Open Public Meetings Act.

WHEREAS, consistent with the provision of N.J.S.A. 10:4-12(b), the State Board will now adjourn from executive session to resume the open session of this meeting.

SWEARING IN CEREMONY

President Hyndman introduced the Honorable Paul T. Koenig, a judge of the New Jersey Superior Court in Mercer County. Judge Koenig administered the oath of office to current State Board member Ronald K. Butcher from Gloucester County and new State Board member Josephine Figueras from Union County. Dr. Butcher is an administrator at Rowan University and was first appointed to the State Board in 1990. His third term will end in June 2008. Ms. Figueras is Vice President for Enrollment Management at Passaic County Community College in Paterson. She replaces Dr. Orlando Edreira and her first term will end in June 2009.

ELECTION OF STATE BOARD OFFICERS

Commissioner William Librera, secretary to the State Board, conducted the annual election of State Board officers. Anne Dillman, chairperson of the Nominating Committee, presented the slate of officers. On motions duly seconded and carried, the State Board members re-elected Arnold G. Hyndman as State Board President and Debra Casha as State Board Vice-President. Both were elected for a one-year term.

Commissioner Librera congratulated both President Hyndman and Vice President Casha on their reelection.

STUDENT SPEAKERS

Katie Wright, the 2004 State Board student representative and a junior from Shawnee High School (Burlington County), was not present. Katie is attending the Summer Scholars Program at Washington and Lee University in Lexington, Virginia. Commissioner Librera stated that due to the summer vacation, there are no students scheduled to speak at the July 7 State Board meeting.

INTRODUCTIONS

Commissioner Librera recognized Gary Vitta, Hunterdon County Superintendent of Schools and Acting Mercer County Superintendent of Schools, who represented the county superintendents. Dr. Vitta has served in this position since December 2003.

APPROVAL OF MINUTES OF THE MEETINGS

On a motion duly seconded and carried, the State Board members approved the minutes of the meetings conducted on June 2, 2004 and June 16, 2004.

PRESIDENT'S REPORT

Annual Report

President Hyndman thanked each State Board member for the support and assistance received during his first term as State Board president. He stated that his first term as president of the State Board was both productive and challenging. He also stated that throughout the 2003-2004 school year, the State Board addressed such major policy issues as New Jersey's minimal high school graduation requirements, new professional licensure and standards regulations and the revision of the *Core Curriculum Content Standards*. He further stated that he looked forward to the upcoming school year. He stated that through special committees, State Board member liaisons for areas such as international education and student discipline, the State Board will continue to reaffirm its commitment to assist, model and provide examples to the educational community of essential policies and practices. President Hyndman further stated the State Board will continue to keep abreast of policies related to the No Child Left Behind Act and the proposed New Jersey Quality Single Accountability Continuum legislation. Additionally, President Hyndman stated that the State Board in its capacity as the State Board of Vocational Education will address the task of considering a new vocational education plan during the upcoming year. He also stated that in this coming year some functional aspects of the State Board are going to be reexamined through staffing changes.

Vice President Debra Casha expressed her appreciation to the State Board for their support of her in her role as State Board vice president. She stated that she is honored to be able to continue serving in that capacity. She also thanked the senior staff at the Department of Education for their assistance.

International Education Update

State Board member Kathleen Dietz stated that the International Education Conference will take place on October 27, 2004 at Princeton University. A steering committee comprised of representatives of the education, corporate and government communities will meet on July 22, 2004 at Princeton University to establish the agenda for the International Education Conference.

Option II Component of the High School Graduation Requirements

President Hyndman requested that future guidelines provided by the department regarding the Option II component of the high school graduation requirements include direction to district boards of education regarding parent and student initiated requests to utilize this option.

July Work Session and Public Testimony Session

President Hyndman stated that the July work session will be held on July 21, 2004 at 1:00 p.m. at the Department of Education. The item for consideration will be the Finance and Business Services Amendments and the items for discussion will be the Just for the Kids New Jersey, Reading Coach Program Update and the Highly Qualified Teachers Survey.

President Hyndman also stated that the July public testimony session will be held on July 21, 2004 at 3:00 p.m. He stated that the scheduled topics will be Amendments to N.J.A.C. 6A:9, Professional Licensure and Standards (New Endorsement for Office Administration/Office Systems Technology and Grandfathering) and Amendments to N.J.A.C. 6A:9, Professional Licensure and Standards (GPA/State Test).

COMMISSIONER'S REPORT

Update of Abbott Implementation

Commissioner Librera reported that for the 2004-05 school year, the Department has reached agreements on budgets with all of the Abbott school districts. He stated, therefore, that the Department can continue to focus on improving teaching and learning for the students affected by Abbott Implementation. In addition, Gordon MacInnes, assistant commissioner, Division of Abbott Implementation, provided a framework of policies and practices that will continue to guide the Department's work with the Abbott school districts. He specifically stated that the department will continue to use the resources that the Abbott ruling provides to close the achievement gap and raise student achievement by focusing on early literacy, English language learners, math, special education and large high schools.

Violence, Vandalism and Substance Abuse in New Jersey Public Schools 2002-2003

Commissioner Librera presented the 2002-2003 report on violence, vandalism, and substance abuse in New Jersey public schools. The Commissioner stated that the report provides data in four broad categories of incidents: violence, vandalism, weapons and substance abuse. The Commissioner also stated that the report summarizes initiatives implemented by the department to assist schools in addressing problems of violence since the inception of the Safe Schools Initiative in 1994.

ITEMS FOR CONSIDERATION:

On motions duly seconded and carried, the State Board of Education took the following action:

A. Appointments

- Approved the appointment of Annette Castiglione as Director of the Office of Program Planning and Design in the Division of Abbott Implementation.
- Approved the appointment of Glenn J. Forney as Director of the Office of Fiscal Review and Improvement in the Division of Abbott Implementation.
- Approved the appointment of Suzanne Ochse as Director of the Office of Title I Program Planning and Accountability in the Division of Student Services.

B. Certification of Districts

- Certified for a period of seven years, the Ventnor School District in Atlantic County, the Highlands School District in Monmouth County and the Matawan-Aberdeen Regional School District in Monmouth County pursuant to the Public School Education Act of 1975, N.J.A.C. 6A:30, Evaluation of the Performance of School Districts, and the *Manual for Evaluation of Local School Districts*.

C. Early Childhood Expectations

- Adopted the resolution as amended pertaining to the early childhood expectations pursuant to *NJAC* 6A:8. State Board member Maud Dahme opposed.

**PRESCHOOL TEACHING AND LEARNING EXPECTATIONS:
STANDARDS OF QUALITY**

WHEREAS, the State Board of Education supported the Commissioner of Education's adoption on April 17, 2000 of the *Early Childhood Education Program Expectations: Standards of Quality* ("*Expectations*") to serve as standards of quality for public school preschool programs in New Jersey; and

WHEREAS, pursuant to N.J.A.C. 6A:8-2.1(a)4, the State Board is authorized to initiate a review and re-adoption process of the *Expectations* every five years; and

WHEREAS, a task force was formed, comprised of Abbott district superintendents; Abbott district early childhood supervisors; curriculum content specialists; private preschool providers; school district administrators; parents; representatives from higher education; private industry; bilingual education programs and special education programs and other early childhood experts; and

WHEREAS, the task force obtained extensive public input through focus groups; mail and electronic mail; and

WHEREAS, the task force presented the revised *Expectations*, renamed *Preschool Teaching and Learning Expectations: Standards of Quality*, to the State Board of Education, the Commissioner and the public for review and consideration; now therefore, be it

RESOLVED, that the State Board of Education hereby adopts the *Preschool Teaching and Learning Expectations: Standards of Quality* to serve as standards of quality for public school preschool programs in New Jersey; and be it further

RESOLVED, that the State Board of Education commends the many participants who contributed to the revision of the *Expectations*; and be it further

RESOLVED, that the State Board of Education will [initiate] complete the review and re-adoption process of the *Preschool Teaching and Learning Expectations: Standards of Quality* [beginning in] by July 2009.

D. Request for Emergency Aid

- Adopted the resolution approving emergency aid for Belvidere School District, Warren County, in accordance with *NJSA* 18A:58-11. State Board president Arnold G. Hyndman abstained.

RESOLUTION FOR EMERGENCY AID
BELVIDERE, WARREN COUNTY

WHEREAS, N.J.S.A. 18A:58-11 permits district boards of education to receive emergency aid to meet unanticipated costs; and

WHEREAS, the Belvidere Board of Education has such costs resulting from the repayment of a prior year tuition overcharge; and

WHEREAS, the Belvidere Board of Education will not be able to absorb the additional expenditures without adversely affecting its core programs and services; and

WHEREAS, the Belvidere Board of Education requires emergency aid to address this situation; now therefore, be it

RESOLVED, that the State Board of Education approves \$50,000 of emergency aid payable to the Belvidere Board of Education.

E. Request for Emergency Aid

- Adopted the resolution as amended approving emergency aid for Stanhope School District, Sussex County, in accordance with N.J.S.A. 18A:58-11. State Board members Debra Casha and Josephine Figueras abstained.

WHEREAS, N.J.S.A. 18A:58-11 permits district boards of education to receive emergency aid to meet unforeseeable conditions [and staffing changes], and

WHEREAS, the Stanhope Board of Education has unforeseeable costs resulting from unanticipated special education placements, and

WHEREAS, the Stanhope Board of Education will not be able to absorb these additional expenditures. The district anticipates having only a \$27,000 fund balance on June 30, 2004, and

WHEREAS, the Stanhope Board of Education requires emergency aid to meet this unforeseeable condition, now therefore, be it

RESOLVED, that the State Board of Education approves \$50,000 of emergency aid payable to the Stanhope Board of Education.

F. Professional Licensure and Standards

- Adopted the amendments at N.J.A.C. 6A:9-8.4, 9.2, 11.11, 11.13, 12.6, 13.3, 13.4, 13.5 and 17.8 pertaining to endorsements for elementary school with subject matter specialization, business education, family and consumer sciences and technology education pursuant to N.J.S.A. 18A:4-15.

President Hyndman in consultation with the members of the State Board rearranged the agenda as follows:

I. NJ Assessment of Skills and Knowledge 3

- Adopted the resolution approving the New Jersey Assessment of Skills and Knowledge (NJ ASK) 3 Standard Setting Process.

**RESOLUTION TO ESTABLISH SCORE STANDARDS FOR GRADE THREE
NEW JERSEY ASSESSMENT OF SKILLS AND KNOWLEDGE (NJ ASK3)
LANGUAGE ARTS LITERACY AND MATHEMATICS**

WHEREAS, the goal of public schools is to provide all students with a thorough and efficient education as defined by the *Core Curriculum Content Standards* so they may function politically, economically, and socially in our democratic society; and

WHEREAS, the grade three New Jersey Assessment of Skills and Knowledge (NJ ASK3) is one of the means that is provided for assessing student progress toward mastery of the essential knowledge and skills; and

WHEREAS, N.J.A.C. 6A:8-4.1(b) requires State Board of Education approval of student performance levels for statewide assessments in those grades as specified for district certification; and

WHEREAS, the established levels of proficiency are partially proficient, proficient and advanced proficient; now therefore be it

RESOLVED, that the score standards of 200 for the proficient level and 250 for the advanced proficient level, where the range is 100 to 300, recommended by the Commissioner of Education for the Language Arts Literacy and Mathematics components of the grade three New Jersey Assessment of Skills and Knowledge (NJ ASK3), shall apply to the March 2004 administration and future administrations of the test.

G. Professional Licensure and Standards

- Discussed the amendments at N.J.A.C. 6A:9 pertaining to a new endorsement for office administration/office systems technology and grandfathering provisions pursuant to *NJSA 18A:4-15*.

H. Controversies and Disputes

- Discussed the readoption with amendments to the Controversies and Disputes regulations at N.J.A.C. 6A:3-1.1 et seq., pursuant to N.J.S.A. 18A:4-15, 18A:6-9, 18A:6-10 et seq., 18A:11-3, 18A:12-29, 18A:29-14, 18A:38-1, 18A:38-13 and 18A:60-1.

NEW BUSINESS

There was no new business.

LEGAL CASES

On motions duly seconded and carried, decisions in the following cases were adopted by the board as presented by legal committee members Margaret F. Bartlett and Roberta Van Anda.

J.C., on behalf of minor child, J.C. V. BOARD OF EDUCATION OF THE BERGEN COUNTY VOCATIONAL SCHOOL DISTRICT, BERGEN COUNTY, STATE BOARD DOCKET #12-04

J.C., a tenth-grade student during the 2002-03 school year, withdrew from the vocational school district in February 2003 in the face of disciplinary proceedings arising from an incident that involved the threat of violence. Following his withdrawal, J.C. enrolled in the Bogota school district, and the vocational district transmitted his pupil records to Bogota as required by N.J.S.A. 18A:36-19a. Pursuant to the statute, J.C.'s records included documents relating to the circumstances of the disciplinary action against him. After the vocational district refused to expunge those documents from its records, J.C.'s mother filed a petition of appeal with the Commissioner of Education. The Commissioner dismissed the petition, finding that, under the terms of N.J.A.C. 6:3-6.8(c), destruction of the documents at issue was governed by the Destruction of Public Records Law, N.J.S.A. 47:3-15 et seq., and that, pursuant to the statute, the vocational district was prohibited from destroying the documents until two years had passed or J.C. turned 23, whichever was longer.

The State Board of Education affirmed the decision of the Commissioner. Finding that the documents at issue were permitted pupil records under N.J.A.C. 6:3-6.3(a)(2) as established by the vocational district's student records policy and remained educationally relevant until J.C. was no longer a student in the New Jersey public school system, the State Board agreed with the Commissioner that they were within the purview of the Destruction of Public Records Law. The State Board emphasized, however, that access to the documents was extremely limited since they were pupil records. See N.J.A.C. 6:3-6.5 and 6:3-6.6. Josephine E. Figueras abstained.

B.W., on behalf of minor child, D.P. V. BOARD OF EDUCATION OF THE SCHOOL DISTRICT OF SOUTH ORANGE-MAPLEWOOD, ESSEX COUNTY, STATE BOARD DOCKET #7-04

The State Board of Education affirmed the decision of the Commissioner of Education, agreeing that the petitioner had not demonstrated that she and her daughter, D.P., were either homeless or domiciled within the South Orange-Maplewood school district so as to entitle her daughter to a free public education in that district. The Commissioner adopted the finding of the Administrative Law Judge that the petitioner and her daughter had been domiciled in Union during the period at issue. He therefore granted the South Orange-Maplewood board's counterclaim for tuition for the period of D.P.'s ineligible attendance in the district. Josephine E. Figueras abstained.

ADJOURNMENT

On a motion duly seconded and carried the State Board of Education adjourned its July 7, 2004 public meeting at 3:05 p.m.

Dwight R. Pfennig, Ed.D., Acting Commissioner
Acting Secretary, NJ State Board of Education